

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

STATE OF DELAWARE,	)	
	)	
v.	)	ID No. 1912025448
	)	
KISHON SKATES,	)	
	)	
Defendant.	)	

**ORDER**

This 9th day of May, 2023, upon consideration of Defendant, Kishon Skates’ (“Defendant”) *pro se* Motion for Modification of Sentence (“Motion”),<sup>1</sup> the sentence imposed upon Defendant, and the record in this case, it appears to the Court that:

1. On September 27, 2021, Defendant pled guilty to Possession of a Firearm By a Person Prohibited ("PFBPP") and was sentenced to 15 years at Level V, suspended after five years, followed by 12 months at Level III probation.<sup>2</sup>

2. On February 9, 2023, Defendant filed the instant Motion pursuant to Superior Court Criminal Rule 35(b) ("Rule 35(b)").<sup>3</sup> Defendant moves for a reduction of his Level V sentence in light of his completion of treatment programs, and Defendant's inability to provide care for his family while incarcerated.<sup>4</sup>

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<sup>1</sup> D.I. 47.

<sup>2</sup> D.I. 43.

<sup>3</sup> D.I. 47.

<sup>4</sup> *Id.*

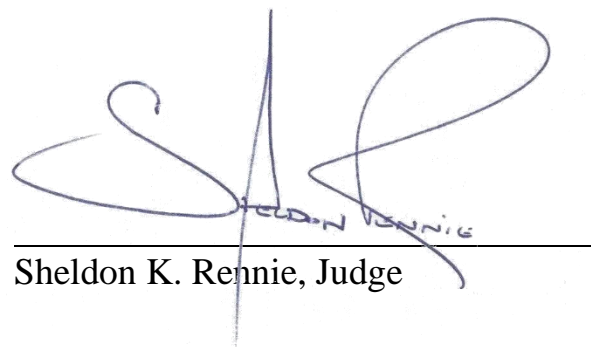
3. When considering motions for sentence reduction or modification, this Court addresses any applicable procedural bars before turning to the merits.<sup>5</sup> Pursuant to Rule 35(b), a motion for sentence modification must be filed within 90 days of sentencing, absent a showing of extraordinary circumstances.<sup>6</sup>

4. Defendant filed this Motion more than 90 days after the imposition of his sentence. Moreover, the Defendant made no attempt to set forth any “extraordinary circumstances”. Hence, this Motion is time-barred under Rule 35(b).

5. In addition, Defendant’s sentence is appropriate for all of the reasons stated at the time of sentencing. No additional information has been provided to the Court that would warrant a reduction or modification of this sentence.

For the foregoing reasons, Defendant’s Motion for Modification of Sentence is hereby **SUMMARILY DISMISSED**.

**IT IS SO ORDERED.**



Sheldon K. Rennie, Judge

Original to Prothonotary

cc: Kishon Skates (SBI# 00605169)  
Department of Justice, Wilmington, DE

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<sup>5</sup> *State v. Redden*, 111 A.3d 602, 606 (Del. Super. Feb 16, 2015).

<sup>6</sup> *Croll v. State*, 2020 WL 1909193, at \*1 (Del. Super. Apr. 17, 2020).